

## Code of Conduct

### Abstract

Staff and Affiliates of UTS are expected to perform all work, duties and functions associated with their positions to the best of their abilities, impartially and diligently in order to contribute to the achievement of the University's goals. This Code aims to set out for all Staff and Affiliates of the University the conduct required in the performance of their work, duties and functions and the consequences of not meeting these requirements.

Dates	Policy approved	17/08/2011
	Policy takes effect	17/08/2011
	Policy is due for review (up to five years)	08/2016
	Policy amendment approved	27/05/2015
	Policy amendment takes affect	22/07/2015
Approved by	Council Meeting 02/3, 1 April 2002 Resolution COU/02/035	
	Latest amendment: Director, Governance Support Unit (see change history for details)	
Implementation Officer	Director, Human Resources	
Relevant to	All Staff and 'Affiliates' (as defined in section 2 of this directive) (collectively 'Staff and Affiliates')	
Related documents	<a href="#">UTS Values</a> <a href="#">Workplace Behaviour Statement</a> (PDF) <a href="#">Outside Work Vice-Chancellor's Directive</a> <a href="#">Handling Staff Grievances Vice-Chancellor's Directive</a> <a href="#">Staff Grievances</a> (Staff Connect) <a href="#">Equal Opportunity and Diversity Policy</a> <a href="#">UTS Policy on the Prevention of Harassment</a> <a href="#">Fraud and Corruption Prevention and Public Interest Disclosures Policy and Guidelines</a> <a href="#">UTS Gifts and Benefits Vice-Chancellor's Directive</a> <a href="#">UTS Conflict of Interest Disclosure Statement</a> (Staff Connect) <a href="#">UTS Enterprise Agreements</a> <a href="#">UTS Strategic Plan 2009–2018</a>	

Legislation	<a href="#">Australian Human Rights Commission Act 1986 (Cwlth)</a> <a href="#">Racial Discrimination Act 1975 (Cwlth)</a> <a href="#">Sex Discrimination Act 1984 (Cwlth)</a> <a href="#">Disability Discrimination Act 1992 (Cwlth)</a> <a href="#">Age Discrimination Act 2004 (Cwlth)</a> <a href="#">Government Information (Public Access) Act 2009 (NSW)</a>
File number	92/597
Superseded documents	None

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### 1. Purpose

UTS Staff and Affiliates are expected to perform their duties or functions to the best of their abilities, impartially and diligently in order to contribute to the achievement of the University's goals.

This Code of Conduct (the Code) aims to set out for all Staff and Affiliates of the University the conduct required in the performance of their work, duties and functions and the consequences of not meeting these requirements.

### 2. Scope

This Code applies to all UTS Staff and Affiliates.

Where used in this Code, the term:

**Staff** refers to employees of UTS including support staff, academic staff and senior staff.

**Affiliate** includes honorary appointees, emeritus professors, contractors, volunteers, agency staff, members of University/Faculty committees (excluding UTS Council and Committees of Council), and any other person appointed or engaged by UTS to perform work, duties or functions for UTS.

Members of UTS Council or Committees of Council are subject to the 'Code of Conduct for Council members'. If a member of UTS Council or Committee of Council is also a Staff member or Affiliate they will also be subject to this Code.

This Code covers all circumstances when Staff and Affiliates are performing work, duties or functions for the University whether in Australia or overseas, as well as

related activities, such as work-related functions, travel, conferences and any circumstances when a person is representing the University.

This Code is not a term of any contract, including any employment contract, and may be varied by UTS from time to time without notice.

The Code of Conduct does not apply to students, unless they are also Staff or Affiliates.

### **3. Policy principles**

UTS requires all Staff and Affiliates to engage in the highest standards of professionalism and conduct at all times. This is supported by the statement in the [UTS Strategic Plan 2009–2018](#) that UTS will deliver on its obligations while maintaining high standards and ethical behaviour.

This Code is a set of overarching principles to be followed rather than an exhaustive list of prescriptions. This Code cannot address all possible issues and scenarios which may be faced in the course of performing work, duties or functions for UTS.

Staff and Affiliates are required to:

- (a) comply with this Code, and
- (b) have regard to the policies, directives, procedures and guidelines issued by UTS and as amended or replaced from time to time which may set out more detail on particular matters referred to in this Code.

Creating a professional and ethical environment relies upon Staff and Affiliates having responsibility for their own conduct, taking into consideration the principles set out in this Code, the policies, directives, procedures and guidelines of the University and the advice of senior colleagues.

If there is any doubt about to the application of the Code, or the appropriate course of action to be adopted in a particular scenario, the Staff member or Affiliate is expected to discuss the matter with the Staff member's and/or Affiliate's supervisor or an appropriate senior member of staff.

### **4. Policy statement**

#### **4.1 Personal and professional behaviour**

The behaviour of Staff and Affiliates should contribute to the development of a productive and harmonious workplace and should reflect favourably on Staff and Affiliates, their profession and the University. UTS Staff and Affiliates are required to:

- (a) comply with all legal, industrial and administrative requirements, and lawful and reasonable directions given by or on behalf of UTS
- (b) perform to the best of their abilities and knowledge their work, duties and functions for the University, including maintaining and developing knowledge in their professional fields and areas of responsibility
- (c) act in the best interests of the University and in accordance with UTS values

- (d) be aware of the requirements of applicable legislation, such as Anti-Discrimination and Occupational Health and Safety legislation and the responsibilities these place on them
- (e) make decisions reasonably and without bias using the factual information available
- (f) maintain timely, adequate and appropriate documentation to support decisions made
- (g) show respect for the public, students, Staff and Affiliates by treating them honestly and with appropriate courtesy
- (h) be familiar with, implement and comply with all University policies, directives, procedures and guidelines
- (i) act responsibly when becoming aware of any unethical behaviour or wrong doing by any Staff member or Affiliate or student
- (j) treat others in the workplace fairly and with respect, including not engaging in bullying conduct
- (k) not harass, victimise or discriminate against Staff, Affiliates, students or others in the workplace on the grounds of sex (including pregnancy), sexuality, transgender status, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, disability, age, political conviction or religious belief, carers' responsibilities or other grounds covered by relevant legislation, and
- (l) comply with the [University's Responsible Conduct in Research Policy](#), the [Australian Code for the Responsible Conduct of Research](#), the University's Human Research Ethics Committee policies and guidelines in relation to the ethical conduct of research for both students and Staff and the [National Statement on Ethical Conduct in Research Involving Humans](#).

The [UTS Workplace Behaviour Statement](#) (PDF) elaborates on the University's expectations set out above and explains the options for dealing with behaviour or conduct which is considered to be inappropriate.

#### **4.2 Use and security of University information**

Staff and Affiliates must maintain the confidentiality, integrity and security of University information.

Staff and Affiliates must respect the personal privacy of other Staff, Affiliates and students in accordance with applicable privacy legislation.

Unless formal authority is granted, information which would not normally be available to the public must not be disclosed or used. Formal disclosure mechanisms include disclosure in accordance with the applicable legislation or court orders such as subpoenas. Staff and Affiliates must not take, or seek to take, improper advantage of, or gain or seek to gain, a financial or other benefit from, any University information which they may have access to as a result of their work, duties or functions.

In this subclause, 'University information' includes but is not limited to University papers, documents, registers, files, photographs, microfilm, data or information stored in hardcopy or electronic form, or passwords.

### **4.3 Publication of information**

Care should be taken when publishing information, in paper form or electronically, to ensure that Staff and Affiliates do not engage in practices which are, or could be reasonably considered, unethical, unprofessional and/or unlawful.

When publishing academic work, the results of research, and course materials, Staff and Affiliates should be aware of the ethical and legal requirements with regard to authorship and the acknowledgement of work done by others, including students.

### **4.4 Conflicts of interest**

The University endeavours not to become involved in the private interests of its Staff, Affiliates and students. However, if the University reasonably considers that a conflict of interest has, or may, arise between the private interests of Staff and/or Affiliates, and their duties as a member of the University community, the University may intervene.

Conflicts of interest can be actual, perceived or potential.

#### **4.4.1 Types of conflict of interest**

Conflicts of interest may include, but are not limited to, the following:

(a) **Financial interests**

An example of a financial conflict of interest which may arise is where a Staff member or Affiliate who has a financial interest in an external entity (eg company, sole trader, government authority, etc) is in a position to influence contracts between that entity and the University.

(b) **Personal interests**

Staff and Affiliates are expected not to use or manipulate their official position in order to gain personal benefit.

(c) **Personal and family relationships between Staff and/or Affiliates and other Staff and/or Affiliates**

The University appreciates that situations may arise where Staff and/or Affiliates are working with family members or with persons with whom they have a close, or hostile, relationship.

Where such relationships exist between current or prospective Staff and/or Affiliates, there is potential for a conflict of interest to arise. An example of where this could be the case is when a Staff member or Affiliate is:

- (i) involved in a decision relating to the selection, appointment or promotion of another Staff member or Affiliate with whom he or she has such a relationship, or
- (ii) the supervisor of another Staff member or Affiliate with whom they have such a relationship and who is responsible for employment related decisions.

(d) **Personal and family relationships between Staff and/or Affiliates and students**

Staff and/or Affiliates have a responsibility to UTS students to assess their work reasonably, objectively and consistently across the candidature for their particular subject/course. A personal or family relationship between, for example, a Staff member or Affiliate and a student has the potential to

compromise this responsibility directly by creating a conflict of interest where the Staff member or Affiliate is responsible for the supervision, teaching and/or administration and assessment of that student, or indirectly by affecting a student's interaction with the University.

In many cases only the individual Staff member or Affiliate will be aware of the potential conflict and each individual's situation will be different.

It should be recognised that antipathy as well as friendship can be perceived as a conflict of interest.

#### **4.4.2 Disclosure and resolution of conflicts of interest**

Staff and Affiliates are required to disclose to their supervisor<sup>1</sup> immediately any financial, personal or other interest or potential interest which could directly or indirectly compromise the performance of their work, duties or functions or conflict with the University's interests, and take action to avoid the conflict.

The disclosure must be made by completing the [UTS Conflict of Interest Disclosure Statement](#) (PDF, Staff Connect).

In the case of an Affiliate, disclosure of conflicts of interest must be dealt with in accordance with the terms of the contract under which they provide services to UTS, where the contract specifically deals with the disclosure of conflicts of interest. If there is no contract or the contract does not contain an obligation to report conflicts of interest then the disclosure procedure set out in this Code applies to the Affiliate.

Disclosure only occurs when a Staff member and/or Affiliate submits the completed Disclosure Statement to their supervisor. The Disclosure Statement must also be signed by the appropriate Dean/Director<sup>2</sup>. The fact that a matter may be known by others, or is considered public knowledge is not a substitute for disclosure in the Disclosure Statement.

Supervisors and Deans/Directors are responsible for taking action in relation to conflicts of interest that arise in their work areas. Action which may be taken to address a conflict of interest includes arrangements being made to remove a Staff member or Affiliate from the work, duties or functions where the conflict has arisen. If a procedure to manage or eliminate the conflict of interest is considered necessary by the supervisor or Dean/Director, this will be discussed with the Staff member and/or Affiliate and, if appropriate, other relevant UTS Staff and Affiliates; and, where possible, agreed by the Staff member or Affiliate.

Supervisors must record all actions and directions given about handling each case on the relevant Staff or Affiliate's Disclosure Statement. The actions and directions must be approved by the Dean/Director. Any unresolved situation or disagreement will be referred to the Provost for further action. The Disclosure Statement will be forwarded to Staff Services in the Human Resources Unit for filing.

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<sup>1</sup> In the case of an Affiliate, the disclosure should be made to the supervisor or contact person designated under the Affiliate's contract or instrument of appointment or engagement.

<sup>2</sup> Where the Staff member making the disclosure is a Dean, Director, the University Librarian, the University Secretary or a member of the Senior Executive, the Disclosure Statement needs to be signed by their supervisor, who will be either a member of the Senior Executive, the Vice-Chancellor or, in the case of the Vice-Chancellor, the Chancellor.

#### **4.5 Disclosures**

All members of the UTS community must report or disclose information that shows or tends to show corrupt conduct, maladministration or serious and substantial waste. The [UTS Fraud and Corruption Prevention and Public Interest Disclosures Policy](#) and Guidelines set out UTS's legal and ethical obligations to protect and support those making disclosures and to prevent, monitor and report fraud and corrupt conduct.

#### **4.6. Public comment**

Staff and Affiliates should ensure that all public comments (either verbal or written) made in a private capacity are not attributed as official comment of the University. In this regard, official stationery or email accounts (or media displaying the University logo or name) should not be used for private correspondence or for purposes not related to University work, duties or functions.

#### **4.7 Use of the University's resources**

Staff and Affiliates should ensure that University resources (ie materials, funds, personnel, equipment, plant, facilities, electronic communications, University logo and letterhead, etc) are used efficiently, carefully, professionally, ethically, lawfully and honestly. Unless other University policies or instruments allow or permission has been granted, University resources are not to be used for private purposes.

#### **4.8 Acceptance of gifts and benefits**

Staff and Affiliates must not solicit any gifts or benefits and must comply with the [UTS Gifts and Benefits Directive](#) in relation to the acceptance of gifts or benefits.

#### **4.9 Outside work and private practice**

In some circumstances, and subject to certain conditions and an individual's contractual obligations with UTS, UTS Staff and certain Affiliates may engage in paid and unpaid work outside the University provided such work does not adversely affect the performance of their work, duties or functions for the University or give rise to a conflict or potential conflict of interest. The [UTS Outside Work Directive](#) sets out the conditions under which outside work may be undertaken.

#### **4.10 Leaving UTS**

Where a Staff member or Affiliate had access to confidential University information as a result of their association with UTS, they must keep the information confidential at all times and not disclose this information once their employment, appointment, engagement or association with UTS ceases.

Staff and Affiliates must not use their position or role to advance their prospects for future employment, appointment or engagement, or allow their work to be influenced by plans for, or offers of, external employment, appointment or engagement which would conflict with, or compromise in any way, their obligations to the University or the best interests of the University.

Former Staff and Affiliates should not use or take advantage of personal, confidential or University information they have obtained in their capacity as Staff and/or Affiliates.

All Staff and Affiliates must exercise care in their dealings with former Staff and Affiliates of the University and make sure they do not give them favourable treatment or access to personal or confidential information.

#### **4.11 Failure to comply with Code**

The University may take action against Staff and/or Affiliates if they breach this Code. Any such action may result in the imposition of sanctions, up to and including, termination of employment, appointment or engagement.

For Staff such action may include disciplinary action for 'misconduct' or 'serious misconduct' under any applicable University enterprise agreements or contract of employment or other form of engagement.

In some circumstances, breaches of the Code may also result in UTS notifying a relevant statutory authority and/or agency, and action being taken by a statutory authority and/or agency where breaches of relevant legislation may be evident. This may result in criminal action, fines or imprisonment.

## **5. Roles and responsibilities**

### **5.1 Responsibilities of Staff and Affiliates**

All Staff and Affiliates are required to comply with the Code of Conduct and other documents referred to in it.

### **5.2 Responsibilities of Supervisors, Dean/Directors, University Secretary, University Librarian and members of the Senior Executive**

Supervisors, Deans/Directors, University Secretary, University Librarian, members of the Senior Executive should, where possible:

- (a) model in their own conduct on the requirements of the Code of Conduct
- (b) create an environment where the requirements of the Code of Conduct are reflected in the day-to-day management of Staff and Affiliates
- (c) encourage Staff and Affiliates maintain high standards of conduct in the workplace, and
- (d) receive and act upon reports of actual or potential conflicts of interest in accordance with clause 4.4.2 above.



## 6. Version control and change history

Effective date	Version	Approved by, resolution no. (date)	Amendment
11/04/2002	1	Council, COU/02/035 (11/04/2002)	Original Code of Conduct.
17/08/2011	2	Council, COU/11-5/76 (17/08/2011)	Inclusion of affiliates in the application/scope of the Code. New requirements for processing disclosure of conflicts of interest. Other clarification in wording and reformatting in accordance with UTS Policy Template.
13/04/2015	2.1	Director, Governance Support Unit (09/03/2015)	Changes to section 4.11 (under Delegation 3.17) to reflect 2014 changes to the General Rules. Minor updates.
22/07/2015	2.2	Director, Governance Support Unit (11/12/2014)	Changes (approved under Delegation 3.17) to implement 2014 Senior Executive restructure.
		Director, Governance Support Unit (GSU) (27/05/2015)	Changes (approved under Delegation 3.17) to update references to the role of Registrar (part of the 2014 restructure).